HIGH COURT OF UTARANCHAL AT NAINITAL

A.O No. 1398 of 2001

(Old FAFO No. 293/1996)

U.P. Financial Corporation,
Regional Office, Haldwani, District – Nainital
Through its Regional Manager. ...Appellant

Vs

1. M/S Sri Bala Ji Industries
   (a registered partnership firm under
   the provisions of Indian Partnership Act, 1932
   through its partner Sukhveer Prasad, near Toll
   Tax, Bareilly Road, Haldwani,
   District- Nainital.
2. Sukhveer Prasad S/o late Chhotey Lal.
3. Smt. Chameli Devi Widow of Late Chhotey Lal.
   Respondents No. 2 and 3 Both residents of near
   Toll Tax, Bareilly Road, Haldwani
   District- Nainital. ....Respondents

Sri Naresh Pant learned counsel for the appellant.
None appear for the respondents.

Dated: - 8-5-2006

Hon'ble B.S. Verma, J.

Heard Sri Naresh Pant learned counsel for the appellant. None appear for the respondents.

The appeal has been filed against the order dated 21-3-1996 passed by the Additional Civil Judge, Nainital on the application for temporary injunction 9(c) in Original Suit No. 11 of 1995 M/S Sri Balaji Industries Vs. U.P. Financial Corporation whereby the application was allowed and the defendant/appellant was directed not to make recovery of loan amount from the plaintiff during the pendency of the suit.

In the course of argument Sri Naresh Pant learned counsel for the appellant has submitted that the Original Suit No. 11 of 1995 has already been decided by the trial Court and the present appeal is rendered infructuous.

In view of the above the appeal having become infructuous is liable to be dismissed as such.

The appeal is hereby dismissed as having become infructuous.

(B.S. Verma, J)

Dated:- 8-5-2006

M.K.